

Message Text

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SUBJ: DEFINITION OF AGGRESSION

AUGUST 18 SECRETARIAT CIRCULATED REQUEST AND EXPLANATORY
MEMO BY AFGHANISTAN (A/10193) FOR INCLUSION SUPPLEMENTARY
ITEM ON AGENDA 30TH GA ON "NEED TO EXTEND THE DEFINITION
OF AGGRESSION IN THE LIGHT OF THE PRESENT INTERNATIONAL
SITUATION". TEXT FOLLOWS BELOW. COMMENT: WE SUSPECT, IN
LIGHT PRELIMINARY COMMENTS WE HAVE HEARD, THAT LDC COASTAL
STATES MAY SEEK BLOCK INSCRIPTION AFGHAN ITEM.

QUOTE:

LETTER DATED 15 AUGUST 1975 FROM THE CHARGE D'AFFAIRES
A.I. OF THE PERMANENT MISSION OF AFGHANISTAN TO THE UNITED
NATIONS ADDRESSED TO THE SECRETARY-GENERAL

UPON INSTRUCTION FROM MY GOVERNMENT AND IN ACCORDANCE WITH
RULE 14 OF THE RULES OF PROCEDURE OF THE GENERAL ASSEMBLY,
I HAVE THE HONOUR TO REQUEST THE INCLUSION IN THE AGENDA
OF THE THIRTIETH SESSION OF THE GENERAL ASSEMBLY OF AN
ITEM ENTITLED "NEED TO EXTEND THE DEFINITION OF AGGRESSION
IN THE LIGHT OF THE PRESENT INTERNATIONAL SITUATION".

IN ACCORDANCE WITH RULE 20 OF THE RULES OF PROCEDURE,
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AN EXPLANATORY MEMORANDUM IS ANNEXED TO THIS REQUEST.

(SIGNED) M. A. W. SIDDIQ
CHARGE D'AFFAIRES A.I.

ANNEX

EXPLANATORY MEMORANDUM

1. IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS, MEMBER STATES MUST REFRAIN IN THEIR RELATIONS FROM THE THREAT OR USE OF FORCE IN THE RESOLUTION OF THEIR DIFFERENCES OR OTHER ACTIONS INCONSISTENT WITH THE PURPOSES OF THE CHARTER.
2. THE MAIN PURPOSES OF THE UNITED NATIONS ARE THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY, AND THE PREVENTION OR SUPPRESSION OF THREATS TO PEACE AND SECURITY AND ACTS OF AGGRESSION.
3. THE DEFINITION OF ALL FORMS OF AGGRESSION IS THEREFORE OF CONSIDERABLE IMPORTANCE TO THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY, AND THE NEED TO EXPEDITE THE CODIFICATION OF ALL FORMS OF AGGRESSION HAS BEEN GENERALLY RECOGNIZED.
4. THE SPECIAL COMMITTEE ON THE QUESTION OF DEFINING AGGRESSION, ESTABLISHED PURSUANT TO GENERAL ASSEMBLY RESOLUTION 2330 (XXII) OF 18 DECEMBER 1967, HAS BEEN SUCCESSFUL IN ESTABLISHING A DEFINITION OF ARMED AGGRESSION WHICH WAS APPROVED BY THE GENERAL ASSEMBLY AT ITS TWENTH-NINTH SESSION (RESOLUTION 3314 (XXIX)). HOWEVER, IN OUR VIEW, THE SPECIAL COMMITTEE WAS UNABLE TO ACCOMPLISH ITS FULL MANDATE UNDER RESOLUTION 2330 (XXII), WHICH WAS TO DEFINE ALL FORMS OF AGGRESSION, AS RECOMMENDED BY THE GENERAL ASSEMBLY. THEREFORE, THE GOVERNMENT OF THE REPUBLIC OF AFGHANISTAN HAS FOUND IT NECESSARY TO PROPOSE THE RENEWAL OF THIS ITEM AND ITS INCLUSION IN THE AGENDA OF THE THIRTIETH SESSION OF THE GENERAL ASSEMBLY.
5. PARAGRAPH 3 OF RESOLUTION 2330 (XXII) READ AS FOLLOWS:

"THE GENERAL ASSEMBLY,
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"...

"3. INSTRUCTS THE SPECIAL COMMITTEE, HAVING REGARD TO THE PRESENT RESOLUTION AND THE INTERNATIONAL LEGAL INSTRUMENTS RELATING TO THE MATTER AND THE RELEVANT PRECEDENTS, METHODS, PRACTICES AND CRITERIA AND THE DEBATES IN THE SIXTH COMMITTEE AND IN PLENARY MEETINGS OF THE ASSEMBLY, TO CONSIDER

ALL ASPECTS OF THE QUESTION SO THAT AN ADEQUATE DEFINITION OF AGGRESSION MAY BE PREPARED AND TO SUBMIT TO THE GENERAL ASSEMBLY AT ITS TWENTH-THIRD SESSION A REPORT WHICH WILL REFLECT ALL THE VIEWS EXPRESSED AND THE PROPOSALS MADE;"

6. IN THE COURSE OF THE SESSIONS IT HELD UNTIL THE TWENTH-NINTH SESSION OF THE GENERAL ASSEMBLY, THE SPECIAL COMMITTEE ACHIEVED SUBSTANTIAL SUCCESS IN DEFINING AND OUTLINING ACTS WHICH QUALIFY AS AGGRESSION, ESPECIALLY WITH REGARD TO ARMED AGGRESSION. THERE IS NO DOUBT THAT, IN THE PROCESS OF CODIFYING DIFFERENT TYPES OF AGGRESSION, PRIORITY SHOULD HAVE BEEN GIVEN TO ARMED AGGRESSION AND THE DIRECT USE OF FORCE, AS WAS THE CASE IN THE PROCEEDINGS AND FINAL CONCLUSION OF THE SPECIAL COMMITTEE AFTER SEVEN YEARS OF CONSIDERATION OF THIS ITEM. BUT IT IS OUR VIEW, TAKING INTO CONSIDERATION THE PROVISIONS OF RESOLUTION 2330 (XXII), THAT THE DEFINITION OF AGGRESSION SHOULD BE EXPANDED TO INCLUDE ALL METHODS OF FORCE AND COERCION, DIRECT OR INDIRECT, INCLUDING ECONOMIC AND POLITICAL PRESSURES. FOR EXAMPLE, ACTIONS SUCH AS ECONOMIC AND TRANSIT BLOCKADES IMPOSED ON COUNTRIES RENDERED VULNERABLE BECAUSE OF THEIR DISADVANTAGEOUS GEOGRAPHICAL SITUATIONS, COULD LEAD TO CONSEQUENCES SIMILAR TO THOSE OF ARMED AGGRESSION. ON THIS BASIS, THE GOVERNMENT OF AFGHANISTAN, ALONG WITH OTHER LAND-LOCKED COUNTRIES, WAS HOPEFUL THAT DUE CONSIDERATION WOULD HAVE BEEN GIVEN TO THIS FORM OF AGGRESSION INVOLVING THE BLOCKADE OF ACCESS ROUTES USED IN THE EXERCISE OF THEIR RIGHT OF FREE ACCESS TO AND FROM THE QSEA, AS HAS BEEN SPECIFIED IN THE CASE OF THE BLOCKADE OF THE PORTS AND COASTS OF COASTAL STATES, OUTLINED IN ARTICLE 3 (C) OF THE DEFINITION OF AGGRESSION ADOPTED AT THE TWENTH-NINTH SESSION OF THE GENERAL ASSEMBLY, BY THE ARMED FORCES OR OTHER ACTIONS OF ANOTHER STATE, IRRESPECTIVE OF A DECLARATION OF WAR.

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7. SUCH CASES OF AGGRESSION, WHICH ARE OF SIGNIFICANT IMPORTANCE, UNFORTUNATELY, HAVE NOT BEEN INCLUDED IN THE DEFINITION OF AGGRESSION APPROVED BY THE GENERAL ASSEMBLY AT ITS TWENTH-NINTH SESSION. IT IS FOR THIS REASON THAT THE GOVERNMENT OF AFGHANISTAN WISHES TO ADD THIS ITEM TO THE AGENDA TO BE CONSIDERED AT THE FORTHCOMING SESSION OF THE GENERAL ASSEMBLY. OUR PURPOSE IS THE RENEWAL OF THIS ITEM AND THE ESTABLISHMENT OF AN AD HOC COMMITTEE FOR DEFINING OTHER FORMS OF AGGRESSION AS OUTLINED BY GENERAL ASSEMBLY RESOLUTION 2330 (XXII).

8. IT IS THE EARNEST HOPE OF THE GOVERNMENT OF AFGHANISTAN THAT ITS PROPOSAL FOR THE ADDITION OF THIS ITEM WILL BE ENDORSED FOR CONSIDERATION BY THE GENERAL ASSEMBLY

AT ITS THIRTIETH SESSION.

UNQUOTE.

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